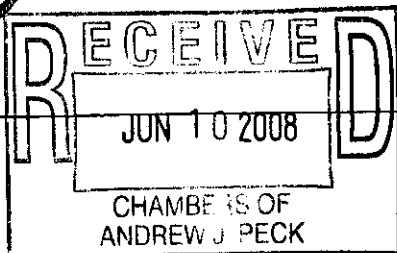




U.S. Department of Justice

United States Attorney  
Southern District of New York



The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

June 2, 2008

**BY FACSIMILE (212-805-7933)**

The Honorable Andrew J. Peck  
United States Magistrate Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 1370  
New York, New York 10007

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 6/10/08

Re: *Jose Burns v. United States*, 07 Civ. 7870 (RJH) (AJP)  
*United States v. Jose Burns*, 04 Cr. 142 (RJH)

Dear Judge Peck:

Your Honor's Order of May 19, 2008, directed that the Government respond by June 13, 2008, to a petition filed pursuant to 28 U.S.C. § 2255 on September 7, 2007 by Petitioner Jose Burns. The Assistant United States Attorney originally assigned to the matter has since left this Office, and the matter was recently reassigned to me.

Accordingly, in order to allow for adequate time to prepare a response to the petition, I respectfully request that the time for the Government's response be extended by 30 days, to July 14, 2008. Petitioner's reply papers would then be due on July 28, 2008. Counsel for Petitioner has consented to this request.

**MEMO ENDORSED**

Approved. No further action  
per the govt. and by  
SO ORDERED:

Hon. Andrew Jay Peck  
United States Magistrate Judge

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York

By:

Edward Y. Kim  
Assistant United States Attorney  
(212) 637-2401

**BY FAX**

Hon. Andrew J. Peck

June 2, 2008

Page 2 of 2

cc: James E. Neuman, Esq. (by facsimile)

# FAX TRANSMITTAL SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

**Dated:** June 10, 2008

**Total Number of Pages:** 4

TO	FAX NUMBER
Edward Y. Kim, Esq.	212-637-2527
James E. Neuman, Esq.	212-571-5507

## **TRANSCRIPTION:**

**MEMO ENDORSED 6/10/08**

**Approved. No further extensions for the gov't are likely.**

**Copy to: Judge Richard J. Holwell**